

Calverley Square Compulsory Purchase Order and Update

Town Forum
16 May 2019

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- CPO Case
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Key Dates



- October 2014 AHT Mandate
- December 2015 Stage 0-1
- July 2016 Stage 2
- February 2017 Stage 3
- December 2017 Stage 4 Development
- June 2018 Planning Permission
- July 2018 Decision on CPO

Alternative Sites Considered



- Council Land Considered (Document AA/DC/2-1 – para 5.10 – 5.11)
 - Royal Victoria Place Shopping Centre and Car Park
 - Meadow Road Car Park
 - Torrington Car Park
 - Lower Pantiles
 - Range of smaller surface level car parks around Royal Tunbridge Wells
 - Dunorlan Park
 - Crescent Road Car Park
- Third Party Land considered included Cinema Site (Para 5.14 – 5.15 of AA/DC/2-1)

Economic Benefits



- £2.3m annual investment by Council
- Delivers £24.3m - £33.2m per annum net benefit
- 326 jobs

Core Documents (CDD.05 and CDD.08)	Annual Net Economic Benefit
New Theatre	
Earnings (Direct)	£0.6m
Earnings (Indirect)	£0.2m - £0.3m
F&B Direct Expenditure	£0.9m - £1.1m
Town Centre Expenditure	£1.3m - £2.6m
Commercial Offices	
Earnings (Direct)	£7.4m - £7.8m
Earnings (Indirect)	£2.2m - £2.9m
Town Centre Expenditure	£0.2m - £0.4m
GVA (Gross Value Added)	£24.3m - £33.2m

CPO Expert Submissions

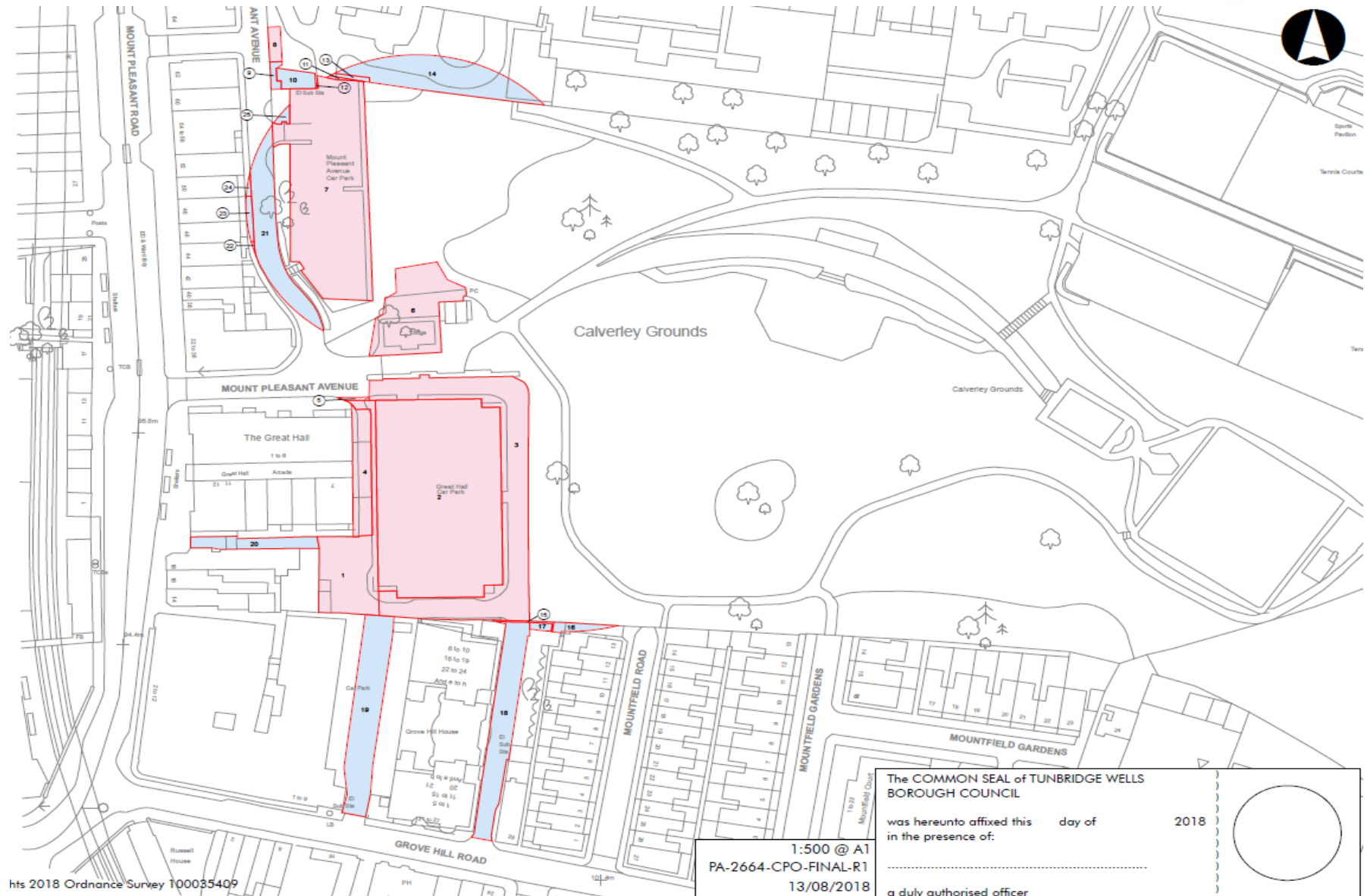


- Architecture
- Theatre Operations and Financial Viability
- Theatre Design and Performance
- Noise and Acoustics
- Site Assembly and CPO
- Construction Contractor
- Economic Assessment and Benefits
- Access and Transport
- Health & Safety
- Planning
- Finance

CPO Inquiry



- CPO made by the Council on 20 August 2018
- 16 'statutory objectors' directly affected by the CPO
- 301 'non-statutory objectors' to the CPO = 317 in total
- Evidenced based review of all objections has been undertaken
- Inquiry held in February and March 2019. The first CPO to be designated to an Inspector to make a decision



hts 2018 Ordnance Survey 100035409

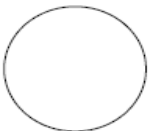
The COMMON SEAL of TUNBRIDGE WELLS
BOROUGH COUNCIL

was hereunto affixed this day of 2018

in the presence of:

.....

a duly authorised officer



1:500 @ A1
PA-2664-CPO-FINAL-R1
13/08/2018

CPO Decision



- 3 May 2019 - Inspector's decision
 - **there is a compelling case in the public interest; I therefore confirm the Compulsory Purchase Order**
- 10 May 2019 - CPO advertised. It is now operative and there is a six week period to challenge its validity which expires on 21 June 2019
- 9 May 2022 - Deadline for implementing the CPO
- Formal notification is part of process

Grounds of Objection



- The Council had to demonstrate that there is a compelling case for the CPO that is in the public interest
- Inspector considered evidence presented by Council and Objectors which is tested
- Inquiry was open to public so members of the public were permitted to appear at Inquiry by Inspector. Grounds of objection included:
 - no compelling case for the scheme and concerns over economic, social and environmental benefits to the town;
 - inadequate consideration of alternatives, cost and viability of the scheme and effect on the existing Civic Centre and theatre;
 - inadequate consultation with the public, concern over the theatre design and vehicular access;
 - concern about the impact on Hoopers' car park and the knock on effect on the department store and inadequate consideration of alternative access arrangements;
 - and lack of consideration of Human Rights and Public Sector Equalities Duty.
 - Property specific issues.

Consultation



- **Para 44:** I consider that there has been good public consultation...I have noted the strong opposition to the proposal, expressed in letters, petitions and representations at the inquiry, but just because consultation has not led to the scheme being changed in line with objections, does not negate the consultation or mean that comments were ignored, just that the Councillors, who are the elected representatives and appropriate decision makers, disagreed.

Alternatives



- **Para 46:** I accept that other theatres have been successfully refurbished, but given the constraints here , I consider the better option is to provide a purpose built theatre
- **Para 48:** Sensible to leave the Cinema site to private developer – additional economic benefit alongside the theatre
- **Para 49:** it is necessary that the theatre should be in the Town Centre and the location close to transport links is a significant advantage
- **Para 50:** Having considered other alternative sites that might be suitable, I conclude that this is the best alternative

Development Plan Policy



- **Para 51:** The relevant adopted Development Plan comprises the Tunbridge Wells Borough Core Strategy 2010, the Site Allocations Local Plan 2016, and the ‘Saved’ policies of the Tunbridge Wells Borough Local Plan 2006. The policies within the Local Plan which were relevant to the redevelopment scheme and its planning application were up-to-date and largely in accordance with the relevant National Planning Policy Framework.
- **Para 59:** The development has been carefully considered against the development plan policy and this includes the effect on heritage assets. I have considered these matters and my conclusion agrees with the planning application process where planning permission was granted. While there is some effect on heritage assets, the public benefits of the scheme clearly outweigh those effects.

Finance and Management



- **Para 73:** Overall, it is clear that the Council has put in place an expert team to develop the project, has carried out detailed control of the project and is endeavouring to anticipate potential problems and is managing risks. I conclude that the project is being well financed and managed and this is not a reason to consider that the project might fail or not proceed.
- **Para 79:** Guidance on compulsory purchase notes that there should be a general indication of funding intentions, and of any commitment from third parties, which will usually suffice to reassure the Secretary of State (or as in this case, the inspector) that there is a reasonable prospect that the scheme will proceed.....In this case I conclude that the indications on funding are very strong and provide substantial reassurance that the scheme will proceed if the order is confirmed.

Economic, Social and Environmental Well Being



- **Social Well Being (para 90):** I conclude that the theatre will serve a significant social function and benefit the cultural provision for the town and will provide substantial benefits to the social wellbeing of the area.
- **Environmental Well Being (para 117):** While I have noted there will be some harm to the heritage assets and changes to views from the park, Hotel du Vin and elsewhere in the conservation area, that harm will be mitigated to some extent by new landscaping, and the overall public benefit of the development clearly outweighs the harm and there will be substantial environmental benefits from the development.
- **Economic Well Being (para 150):** I conclude that the economic benefits of the scheme are significant and weigh in favour of the conclusion as to whether or not there is a compelling case in favour of the compulsory purchase order.

Key Points - Objectors



- **iSmile Dentist (para 178):** In my view, the compulsory purchase of iSmile premises does not mean that iSmile has to close down..... Clearly, the final decision to close is a matter for Dr Azimi, but to my mind that would not be an inevitable or obvious result of the compulsory purchase.
- **Grove Hill House (para 220):** In terms of light and outlook these are planning matters considered at the time of the planning application. Overall, the compulsory purchase order will have some impact on residents, mainly in terms of the loss of the right of way to their property from the north. There is some impact from the right of way that will be formed over their side access road and need for turning caused by the loss of access to land to the north, but in terms of traffic flow the development would be beneficial. Compensation for the change is a matter for the Lands Tribunal, with some weight being given to these matters in terms of harm from the compulsory purchase order to be taken into the balance.

Key Points - Objectors



- **Hoopers (para 254):** While I acknowledge the importance of the car parking to viability of the store and that it is a considerable incentive to loyal customers, I do not see that the proposed order logically leads to the need to close the customer car park and therefore the viability of Hoopers should not be threatened. If Hoopers did, as indicated, consider that it would close the car park, to my mind that is a decision for it, but it would not logically flow from the compulsory purchase order. Overall, I conclude that substantial weight should be given to the impact the order will have in relation to Hoopers' loss of the ability to control the land, but only limited weight to the impact the right of way will have in terms of the provision of the car park.
- **Para 261:** I consider that the proposed vehicle access strategy for the theatre is the most appropriate when all relevant factors are taken into consideration.
- **Archaeology (para 270):** Archaeology field work and monitoring required by the planning permission will be sufficient to ensure that if there is evidence of the pre Roman ritual site it should be found and appropriate action taken. The evidence provided does not add any harm in relation to the weight to be given to compulsory purchase.

Conclusions



- **Para 283 – Para 289**
- **I consider that there is a compelling case in the public interest; I therefore confirm the Compulsory Purchase Order.**
- I have found that:
 - The development is in accordance with the adopted Local Plan and the National Planning Policy Framework. The development has planning permission.
 - The Council has demonstrated that they have a professional team in place to manage the contract, and have full control of finances with appropriate funding in place and there is no reason that this matter should prevent the development proceeding.
 - There has been appropriate consultation in relation to the project as a whole, the planning application and with those affected by the compulsory purchase reasonable steps have been taken to acquire the Order land and rights by agreement.
 - Alternative options have been considered throughout the process, but I consider that given the purposes of the compulsory purchase and the aims for the development that the current site is the most appropriate for the development.
 - **Promotion or improvement of the economic, or social or environmental well-being of their area.... And given the expert team appointed and the evidence and information provided, I concur and conclude that each one of those promotions and improvements would be achieved.**

Inquiry Website



- Website - <http://calverley.persona-pi.com/>

RIBA Stage 4



- Trade Packages - 98% returned
- Detailed evaluation of Trade packages in process
- Environmental preparations will continue
- Early July - Final Contractors proposal

Calverley Square Costs



- 2015 Stage 0 - 1 £ 361,948
- 2016-17 Stage 2 £ 1,623,817
- 2017-18 Stage 3 £ 2,224,809
- 2018-19 Stage 4 £ 6,330,000
- Total £10,540,574

Civic Complex Scope



- Review the initial feasibility carried through in viability work up to RIBA Stage 3 of the Calverley Square development and advise on their place shaping viability and financial viability now and at the anticipated point of disposal having regard to the key parameters.
- Identify, and undertake a comprehensive feasibility, with valuations, appraisals, sensitivity analyses and cashflows new potential uses for the assets.
- Advise on their place shaping viability and financial viability now and at the anticipated point of disposal having regard to the key parameters.
- As a result of the feasibility, to recommend a shortlist of options having regard to both the place shaping viability and the financial viability requirements, short list to be the subject of a more detailed feasibility review.

Civic Complex



- 19 November Commencement Meeting
- Mid June Draft final report
- Early July Final Report
- Decision and future direction is for the new Council